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The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Sexual violence against indigenous Jumma women in the Chittagong Hill Tracts (CHT), Bangladesh

This statement is to draw the attention of the Human Rights Council of nearly 40 years of gender and ethnicity targeted sexual violence against indigenous girls and women in the Chittagong Hill Tracts (CHT), Bangladesh.

The CHT is the home to 11 ethno-linguistically and religiously diverse indigenous peoples, collectively known as Jummas. Since 1975 it was militarized which is yet to be lifted even after signing of the CHT Accord 1997. Earlier, the government through a mass transmigration policy settled 350,000 Bengalis in the CHT from 1979 to 1984. Consequently, Bengali population increased by 150% by 1991. The mass transmigration and a post 1984 ongoing in-migration of poor and rich Bengalis, under the overt and covert support of security and civil institutions, have been resulting in eviction, dispossession of lands, arson and communal attack on CHT's indigenous peoples. Sexual attack on indigenous women has been a tool to terrorize the communities in forcing them to leave their homes.

UN Special Rapporteur Lars-Anders Baer, in his 2011 report to the United Nations Permanent Forum on Indigenous Issues, records that one third of the Bangladesh military is stationed in the CHT, which constitutes just a tenth of the land area of Bangladesh, and has about 1% of its population (E/C.19/2011/6). It notes the occurrence of 'arbitrary arrests, torture, extrajudicial killings, harassment of rights activists and sexual harassment,' and the retention of so-called 'Operation Uttoron.' It is a counter-insurgency measure that gives the military sweeping powers to interfere in civil matters. Military maintains 6 cantonments in the three CHT districts besides military camps throughout the region albeit the region being neither a war zone nor is there any insurgency now. Interestingly, there are only 14 cantonments in the rest of the 61 districts of the country. International Work Group for Indigenous Affairs' report 14, 2012, documents that there are 1 soldier per 40 civilians in the CHT compared to 1 soldier per 1750 civilians in the rest of the country.

In the militarized CHT, with an unnaturally increasing number of Bengali settlers, and in an absence of the law and order and justice, girls and women remain vulnerable to sexual violence.

From the late 1970s, Jumma girls and women have been targets of sexual violence. The 1991 report of the Chittagong Hill Tracts Commission (CHTC) revealed that in 1983, a secret memorandum was circulated to all army officers in the CHT encouraging them to marry indigenous women. It was an ethnicity and gender directed document that institutionalized sexual targeting of Jumma women as was evident from the increased incidents of rapes, sexual attacks and also marriages occurring after abduction or applying force.

Amnesty International recorded a harrowing description of sexual assault on women in the 1984 Bhushanchara massacre at Barkal, CHT:

'The army came on May 31, accompanied by a large group of Muslims some of whom were armed. They destroyed our village, raped women and killed people. I saw two women getting raped and then killed by bayonets. One Aroti, who is my distant cousin, was also raped by several soldiers and her body was disfigured with bayonets ... The memories of that day are still a nightmare for me. Even now I sometimes wake up in a cold sweat remembering the sight of the soldiers thrusting bayonets into [the] private parts of our women. They were all screaming "No Chakmas will be born in Bangladesh."'

The 1991 CHTC report concluded that '[r]ape is used systematically as a weapon against women in the CHT.' Similarly, CHT's Hill Women's Federation recorded in its 1995 Beijing women's conference leaflet that '[o]ver 94% of the all alleged cases of rape of Jumma women during 1991-1993 in the CHT were by "security forces." Of these rape allegations, over 40% of the victims were children.'

The impacts of the 1983 military memorandum did not remain limited to military, but also encouraged civilians, particularly Bengali settlers. 2011 to 2012 figures, by the CHTC and the Bangladesh Indigenous Women's Network, showed that 95% of the perpetrators of sexual violence against indigenous women were Bengali settlers, staffs from the

forestry department or members of the armed forces. Maleya Foundation's 2013 work show that 19% of the reported violence against indigenous women cases were rape, 19% attempted rape, 9% gang rape, 5% gang rape and murder, and the rest were physical abuse, went missing, sexual harassment, abduction, abduction and torture, and murder. 57% of the victims were girls. All perpetrators were Bengalis: men, women and members of the military.

The CHT situation described as 'absolute impunity' for perpetrators of sexual violence was highlighted with Special Rapporteur Rashida Manjoo in a January 2011 Asia Pacific NGO consultation on violence against women at Kuala Lumpur. Januray 2010 to December 2011 records from the Home Ministry reveal that less than 11% of violence against women cases filed in the CHT courts received verdicts, with no conviction.

Lastly, Kalpana Chakma (age 23), Organizing Secretary of the Hill Women's Federation, abducted on 12 June 1996 at gunpoint by a group of men led by Lieutenant Ferdous Kaiser Khan of 17 East Bengal Regiment from her village home still remains untraceable. A case was filed with the police with no progress in sight till today. In 1997, Radhika Coomaraswamy, Special Rapporteur on violence against women, reported the Kalpana abduction case to the 53rd session of the Commission on Human Rights and 'invited the Government of Bangladesh to provide clarifications on the case of Kalpana Chakma, which could potentially involve violations of the right to liberty and security of person and due process of the law, in accordance with articles 3 and 9(1) of the International Covenant on Civil and Political Rights, as well as article 1 of the United Nations Declaration on the Elimination of Violence Against Women' (E/CN.4/1997/47/Add.4). Inaction by the state for long 17 years on the case fuelled Amnesty International to launch a campaign 'Justice for missing Indigenous Activist' in November 2013 urging the Bangladesh government to '[e]nsure that a thorough and independent re-investigation of Kalpana Chakma's case is conducted … and … perpetrators are brought to justice.' Lieutenant Ferdous is reported to have had promotion and served as a UN peace keeper after the abduction.

What is alarming, members of the Bangladesh Army, accused of human rights violations in the CHT, are alleged to be serving as peacekeepers under the Department of Peace Keeping Operations (DPKO). For instance, Lieutenant Colonel Md. Sazid Imtiaz, currently serving as a Training Officer (ITS/DPET) with the DPKO, is credibly alleged in provoking Bengali settlers to attack 7 Jumma villages where they burnt a church, two schools run by UNICEF and 77 houses in Sajek on 20 April 2008 when he was the-in-charge of the area. He was further accused of issuing death threats to Jummas in a meeting over the land dispute between Jummas and settlers at his Baghaichari headquarters of Sajek.

We reiterate 2011 United Nations Permanent Forum on Indigenous Issues' recommendations regarding the CHT (E/C.19/2011/14, para 102) and ask the Human Rights Council to urge the DPKO and the Bangladesh government to implement them:

"(a) That, consistent with the code of conduct for United Nations peacekeeping personnel, the Department of Peace Keeping Operations prevent military personnel and units that are violating human rights from participating in international peacekeeping activities under the auspices of the United Nations, in order to maintain the integrity of the indigenous peoples concerned;

(b) That the Government of Bangladesh declares a timeline and outline modalities of implementation and persons and/or institutions responsible for implementation [of the CHT Accord 1997];

(c) That the Government of Bangladesh undertakes a phased withdrawal of temporary military camps from the region … ;

(d) That the Government of Bangladesh institutes a high-level, independent and impartial commission of enquiry into human rights violations perpetrated against indigenous peoples, including sexual violence against women and girls, and prosecute and punish the perpetrators, as well as provide reparations for the victims concerned."

We also ask the Human Rights Council to urge Bangladesh Government to work with the Office of the High Commissioner for Human Rights and relevant UN, CHT and national bodies:

- in inviting the Special Rapporteur on violence against women to Bangladesh to investigate sexual violence;
- in taking actions to address the militarization affecting civil, cultural, social, economic and political rights of indigenous peoples of the CHT;
- in taking actions and developing tools to effectively address the transmigration and continuing in-migration of settlers affecting lives and livelihood in the CHT;
- in working towards ratification of the ILO Convention 169 and public endorsement of the UN Declaration on the Rights of Indigenous Peoples;
- in working towards the recognition of indigenous peoples of the CHT and other parts of the country.

Chittagong Hill Tracts Women Organizations Network, International CHT Commission, International Jumma Voice, Maleya Foundation, Women Resource Network NGO(s) without consultative status, also share the views expressed in this statement.